

# ITEM 3c

Time commenced - 6:01pm  
Time finished - 6.49pm

## **EXTRAORDINARY MEETING OF COUNCIL 7 December 2023**

The Mayor, Councillor Alan Graves and Councillors Amin, Ashby, Atwal, Bolton, Bonser, Care, Chambers, Dhindsa, Eyre, Evans, Fowke, Hezelgrave, A Holmes, M Holmes, Hudson, C Ingall, P Ingall, Kaur, J Khan, S Khan, Kozlowski, Kus, Lakin, Lindsey, Martin, Morgan-McGeehan, Nawaz, Onuoha, Pandey, Pattison, Peatfield, Potter, Poulter, Prosser, Rawson, Repton, Roulstone, Shanker, Smale, Swan, Trehwella, Whitby, Wilson, C Wright and J Wright.

### **63/23      Apologies**

Apologies were received from Councillors Hassall, Pearce, Lonsdale, Mulhall and Sandhu.

### **64/23      Declarations of Interest**

There were none.

Under Council Procedure Rule CP64, Councillor Shanker raised a point of order requesting clarification on whether the Mayor was able to preside at the meeting, given that he had stated his intention to stand as a candidate in the Combined Authority Mayoral Elections. The Mayor confirmed that he had taken advice and intended to preside at the meeting.

Under Council Procedure Rule CP64, Councillor Prosser raised a point of order questioning the legality of the report under consideration to establish the East Midlands Combined County Authority, stating that the initial proposal signed by the Leader of the Council in Summer 2022 had not been ratified by the Council. The Monitoring Officer stated that the submission of a proposal to Government had been subject to the prior approval of Council on 21 March 2023 and that the process to consult upon and establish the Combined Authority had been conducted in accordance with the requirements of the Levelling Up and Regeneration Act 2023.

### **65/23      Consent to the East Midlands Combined County Authority Establishment Regulations 2023**

Council considered a report of the Chief Executive which sought the Council's agreement to establish the East Midlands Combined County Authority (EMCCA), of which Derby City Council would be one of four constituent members.

The report sought the Council's consent to the East Midlands Combined County Authority Regulations 2023, which once made by the Secretary of State and laid before Parliament would lead to the creation of the EMCCA. The report also sought to make arrangements for the inaugural Mayoral election for the EMCCA to be held on 2 May 2024, subject to the passage of relevant secondary elections legislation.

The report detailed to Council the anticipated benefits of entering the EMCCA and the process by which the proposal had been negotiated with the Government and consulted upon with residents in Derby, Derbyshire, Nottingham and Nottinghamshire. The report cited the ambition for 2.2 million people who live within the EMCCA area to enjoy better health, greater prosperity and increased wellbeing by boosting productivity, pay, jobs and living standards; spreading opportunities and improving public services; restoring a sense of community, local pride and belonging; and, empowering local leaders and communities. It was reported that the investment package associated with the deal was worth more than £4 billion, including a £1.14 billion investment fund and a new City Region Sustainable Transport Settlement of £1.5 billion.

It was reported that the EMCCA would be the first Combined County Authority in the United Kingdom, pioneering a new form of governance that would include representation from the four upper-tier local authorities in the region. The EMCCA would be led by a directly elected Mayor, working under an electoral mandate provided from 1.6 million residents entitled to vote in the East Midlands. The report stated that the Mayor would provide a platform to champion the interests of the region both nationally and internationally, to deliver on local priorities and provide greater local accountability and decision making powers.

Appended to the report was a copy of the draft East Midlands Combined County Authority Regulations 2023. It was reported that should the four constituent councils consent to the establishment of the EMCCA, the Department for Levelling Up, Housing and Communities intended to lay the regulations prior to the Parliamentary Christmas recess. It was anticipated that the Regulations would come into force in either February or March 2024. Notice of election would be published by no later than 26 March 2024. The report sought delegated authority to the Chief Executive of the Council, in consultation with the Leader of the Council and the Chief Executives of the other constituent authorities, to make minor or technical amendments to the draft regulations, to allow the timetable to progress expediently.

The report set out additional detail in relation to the provision of powers within the Regulations and the establishment of a Shadow Authority, to support a smooth transition to the establishment of the EMCCA. Further information was also provided in relation to the EMCCA's priorities, including Net Zero/Green Economy, Transport, Land and Housing, Adult Education and Skills and Business and Innovation.

The proposed governance arrangements were also detailed within the report, stating that the EMCCA would comprise of 17 members to include the directly elected Mayor, eight constituent members (two per constituent council) and no more than eight non-constituent members and associated members, comprised of District and Borough councils and representatives of the business community.

The recommendations in the report were moved by Councillor Shanker and seconded by Councillor Smale. In moving the recommendations, Councillor Shanker cited the economic benefits of the EMCCA, but queried whether an improved devolution deal could have been secured from the Government.

Several councillors spoke against the establishment of the EMCCA, citing that insufficient consultation had been undertaken with the public and that prior approvals

granted by the Council in November 2022 and March 2023 were legally and constitutionally invalid. It was moved by Councillor Evans and seconded by Councillor Prosser that recommendation 2.1 be amended by the addition of the following words:

“Subject to an expedient local government advisory poll returning a majority vote as specified under the Local Government Act 2003”.

The Mayor invited the Monitoring Officer to comment on the amendment. The Monitoring Officer stated they did not believe that the amendment as drafted proposed a legal resolution which the Council could adopt. Contrary to Council Procedure Rule CP48, the amendment sought to introduce a new issue into the resolution that would negate the substantive motion. The Monitoring Officer stated that the holding of an advisory poll was not consistent with the requirements of the Levelling Up and Regeneration Act 2023, which required a statutory consultation to be undertaken for the purposes of establishing a Combined Authority. It was clarified that the statutory consultation process had been completed and confirmation had been received from the Secretary of State that all statutory tests had been met. The consent of the constituent councils to the Regulations would trigger the Parliamentary approval process and therefore an advisory poll would have no lawful effect.

The Mayor consented to the amendment stating that it was not unlawful. The amendment was put to the vote and lost.

Several councillors spoke to the substantive motion in favour of the proposal. Councillor Shanker exercised his right of reply before the matter was put to the vote and carried.

**Resolved:**

- 1. To agree to the creation of the East Midlands Combined County Authority with the Council as a constituent member**
- 2. To consent to the making of the East Midlands Combined County Authority Regulations 2023 as required by section 46(1)(d) of the Levelling Up and Regeneration Act 2023**
- 3. To delegate authority to the Chief Executive to approve any technical amendments to the East Midlands Combined County Authority Regulations 2023, which the Chief Executives of the other three Councils also agree to, on behalf of Derby City Council. This delegation is to be exercised in consultation with the Leader of the Council; and,**
- 4. To approve the appointment of Melbourne Barrett, Returning Officer of Nottingham City Council as the first combined county authority returning officer for the proposed East Midlands Combined County Authority, subject to the passing of the amendments to article 6A(1) of the Combined Authorities (Mayoral Elections) Order 2017 as applied by article 12 of the Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2023.**

MAYOR